

REMARKS

Initially, in the Office Action dated June 18, 2004, the Examiner objects to claim 10 because of informalities. Claims 10, 11, 14, 15, 18 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,336,100 (Yamada) in view of U.S. Patent No. 6,108,639 (Walker et al.) and U.S. Patent Publication No. 2002/0038261 A1 (Kargman et al.) and further in view of Official Notice.

By the present response, Applicants have submitted new claims 20 and 21 for consideration by the Examiner and assert that these claims do not contain any prohibited new matter (see, pg. 24, lines 9-14). Applicants have amended claims 10, 14 and 18 to further clarify the invention. Claims 10, 11, 14, 15, and 18-21 remain pending in the present application.

Claim Objections

Claim 10 has been objected to because of informalities. Applicant has amended this claim to further clarify the invention and respectfully request that this objection be withdrawn.

35 U.S.C. §103(a) Rejections

Claims 10, 11, 14, 15, 18 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada in view of Walker et al. and Kargman et al. and further in view of Official Notice. Applicants respectfully traverse these rejections.

Yamada discloses an online shopping system that has a server, at least one virtual store provided on the server and a plurality of pieces of customers terminal

equipment electrically connected to the server. Each customer's order for at least one commodity being sold by the virtual store is made by the terminal equipment to the server. At least a place where the commodity is kept temporarily such as a 24-hour opened convenience store is selected as a place where the commodity should be delivered when the order is made.

Walker et al. discloses a collectible conditional purchase offer (CPO) management system for receiving and processing individual CPOs from buyers for one or more collectibles, such as coins, stamps, art prints, comic books, baseball cards, jewelry, or other used or secondary market goods. The collectible CPO management system processes each received CPO to determine whether one or more sellers are willing to accept a given collectible CPO. If a seller accepts a given CPO, and ultimately delivers goods complying with the buyer's CPO, the buyer is bound on behalf of the accepting seller, to form a legally binding contract. The CPO is guaranteed, for example, by a general-purpose account, such as a credit or debit account. Once a CPO is accepted by a seller, but before completing the transaction, the goods are preferably forwarded to a dealer/authenticator for evaluation. The dealer/authenticator preferably validates, authenticates and optionally guarantees the goods, while also serving as the distribution point for the collectibles sold by the collectible CPO management system. In order to ensure that at least one of the accepting sellers will have the collectible item in the condition specified by the buyer, a number of sellers may conditionally accept each CPO. Each of the accepting seller(s) are preferably prioritized into a hierarchy based on predetermined criteria.

Kargman et al. discloses an Internet service that links a plurality of stores of a chain of restaurants together on the Internet at a central server website, whereby the Internet service is based upon postal address alone, and where the software at the web site determines the store closest to the calling customer on the Internet strictly by both postal address which corresponds to the same type of postal-address driven system employed at each store serviced by the system of the invention. The customer order is input directly into the computerized ordering system of the closest, selected store, thereby bypassing the conventional manner of ordering through a live order-taker. The system of the invention is directly linked to the computers of the restaurants of the chain of restaurants, whereby the menu and pricing of each store may be made uploaded to the web site, and displayed on the Internet server web site.

Regarding claims 10, 14 and 18, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of these claims or, inter alia, means, responsive to the accepted receiving approach indicating dealers capable of dealing or mediating merchandise as a delivery destination, for retrieving map information by a map information display unit based on dealer information stored in a memory unit to provide any dealers among the retrieved map information to a user terminal that may be selected by the user, the map information including a dealer of a neighborhood of the delivery destination in the region of the map on the basis of a user's address or an address input by the user. According to the present invention,

map information is provided including one or more dealers of a neighborhood of the delivery destination in the region of the map on the basis of a user's address or an address input by the user such that the user may select any dealer. The selection of a dealer specified by the user among the dealers is accepted via the network. In other words, the user selects any dealer by herself or himself among the dealers (displayed) from the provided map relative to an address of the user as a reference point and the selected dealer is at a location at which the user receives the ordered merchandise. Thereby, the user can easily select a dealer which is most convenient and relevant to the user (see Applicants' specification page 22, line 10 to page 23, line 11). Thus, the claimed invention provides a merchandise ordering and delivering method and system in which a customer can select the most relevant or convenient dealer (see, page 31, lines 10-17).

In contrast, Yamada merely discloses a convenience store as a location receiving merchandise and notifying the user of the contents of order. Yamada does not disclose or suggest displaying of map information. Moreover, Yamada does not disclose or suggest providing any dealers among the retrieved map information to a user terminal that may be selected by the user, the map information including a dealer of a neighborhood of the delivery destination in the region of the map on the basis of a user's address or an address input by the user, as recited in the claims of the present invention. The portions of Yamada (col. 3, lines 6-30) cited by the Examiner do not disclose or suggest these limitations.

Moreover, neither Walker, Kargman et al., nor the Examiner's Office Notice disclose or suggest these limitations in the claims of the present application. The Examiner admits that Yamada does not disclose or suggest accepting a way of receiving merchandise selected based on the read selection information from the user terminal to write the selected receiving way in the order data file, or accepting a specific dealer selected among the dealers in a provided map information from the user terminal through the network to write the accepted specified dealer in the data file, but asserts that Walker discloses these limitations in Fig. 7, items 744 and 750. However, these portions of Walker merely disclose fields in a table from an offer database that contain items such as item class identifier, a description of the goods associated with the CPO and the required minimum quality condition, the date of authentication and the corresponding dealer/authenticator. This is not accepting a way of receiving merchandise selected based on the read selection information from the user terminal to write the selected receiving way in the order data file, or accepting a specific dealer selected among the dealers in a provided map information from the user terminal through the network to write the accepted specified dealer in the data file. These limitations are not disclosed or suggested by Walker. Walker merely relates to receiving and processing individual conditional purchase offers from buyers for one or more collectibles, such as coins, stamps, art prints, comic books, baseball cards, jewelry, or other used or secondary market goods.

Further, Kargman et al. merely discloses retrieving a street-map based on a street or a zip code address designated by the user. Kargman et al. is directed at providing a method for retrieving one among stores which is the most closest to the user address until found out or focused (see, paragraphs [0013] and [0014] by the Examiner. Kargman et al. does not disclose or suggest providing any dealers among the retrieved map information to a user terminal that may be selected by the user, the map information including a dealer of a neighborhood of the delivery destination in the region of the map on the basis of a user's address or an address input by the user, as recited in the claims of the present invention.

Regarding claims 11, 15, 19, and new claims 20 and 21, Applicants submit that these claims are dependent on one of independent claims 10, 14 and 18 and, therefore, are patentable at least for the same reasons noted previously regarding these claims. For example, none of the cited references disclose or suggest determining that the merchandise inspection information exists and monitoring whether delivery information indicating that the merchandise has been handed over to the user at the dealer is received from the dealer in the predetermined period through the communication line, or means, responsive to the presence of the merchandise inspection information, for monitoring whether delivery information indicating that the merchandise has been handed over to the user at the dealer is received from said dealer in said predetermined period through the communication line, or where when the specified dealer is selected, an outline data including an address and photograph of the specified dealer is provided to the user terminal

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based on the dealer information, or where when the specified dealer is selected, an outline data including an address and photograph of the specified dealer is provided to the user terminal based on the dealer information.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 10, 11, 14, 15, 18 and 19-21 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 10, 11, 14, 15, 18 and 19-21 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38711X00).

Respectfully submitted,

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